

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALBERT R. GARCIA,

Plaintiff,

vs.

NEVADA BOARD OF PRISON  
 COMMISSIONERS, *et al.*,

Defendants.

3:06-0118-JCM-VPC

**ORDER**

Presently before the court are the report and recommendations (#30) of United States Magistrate Judge Valerie P. Cooke recommending that plaintiff's motion for temporary restraining order and/or preliminary injunction be denied. Local Rule IB 3-2 states that any party wishing to object to the report and recommendation shall file a written objection within ten (10) days of receipt. No objections were filed.

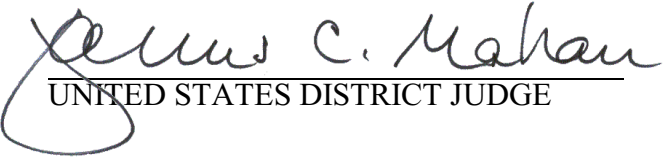
Success on either prong of plaintiff's motion requires the plaintiff to demonstrate either (1) a likelihood of success on the merits and the possibility of irreparable injury, or (2) serious questions going to the merits and the balance of hardships tips sharply in plaintiff's favor. *Southwest Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 917 (9th Cir. 2003); *Brown Jordan Intern, Inc. v. Mind's Eye*, 236 F.Supp.2d 1152, 1154 (D. Haw. 2002). Magistrate Judge Cooke found that the plaintiff was unable to meet this standard on any of his claims.

Upon review of the magistrate judge's findings and recommendations (#30) and there being no objections filed,

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge Cooke's  
2 report and recommendations (#30) are AFFIRMED in their entirety.

3 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this motion, be and the  
4 same hereby is, DENIED without prejudice

5 Dated this 8th day of February, 2007.

6  
7   
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26